UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/52/472
15 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

# Situation of human rights in the Islamic Republic of Iran

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Maurice Danby Copithorne, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with Assembly resolution 51/107 of 12 December 1996 and Economic and Social Council decision 1997/264 of 22 July 1997.

97-27669 (E) 301097

Annex

# INTERIM REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN, PREPARED BY THE SPECIAL REPRESENTATIVE OF THE COMMISSION ON HUMAN RIGHTS IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTION 51/107 AND ECONOMIC AND SOCIAL COUNCIL DECISION 1997/264

Summary

In his earlier reports to the General Assembly and to the Commission on Human Rights, the Special Representative has noted that his function was to bring the status of human rights in the Islamic Republic of Iran into clear focus, providing at the same time an indication of areas in which progress is being made and areas in which it is needed. As he has said before, the Islamic Republic of Iran is a complex and dynamic society and, bearing in mind that space constraints impose a need to be selective, the Special Representative is faced with a considerable challenge.

Freedom of expression in the Islamic Republic of Iran has become the subject of increasing criticism in recent years. At least until the recent change in Government, the atmosphere could reasonably be characterized as repressive. On the other hand, in one of the many paradoxes of that society, there continued to be a lively discourse on many subjects, including that of freedom of expression itself. The Government has now declared substantial change in this area to be a major priority.

The status of women in the Islamic Republic of Iran has been the subject of wide and generally critical debate including, increasingly, within the country itself. While there had been proposals for introducing further harsh measures, there have now been promising indicators of change, such as the recent appointment of a woman as a Vice-President.

With regard to legal subjects, there remain a number of dark spots. The use of the death penalty has continued to rise sharply, despite the generally accepted conditions to be applied by those States that maintain the death penalty. Convictions for apostasy continue to be rendered occasionally by Iranian courts, despite the fact that no such crime is known in the Islamic Criminal Code. The sentence of stoning is provided for in the Code, and four cases of its use have been reported in the last 18 months.

There has been no progress on the issue of the fatwa against the British writer Salman Rushdie. There is also no improvement to report on the condition of the Baha'is in the Islamic Republic of Iran. Several outstanding court cases outside the country involving the murder of Iranian dissidents abroad have now resulted in convictions. In one case, a connection to the Iranian authorities was found to exist despite the denials of the Government.

Presidential elections were held in May 1997. Only four candidates were approved to run in the election, but a lively campaign ensued. It was generally considered that the voters had a choice, and that they opted for change. This resulted in a broadly if not uniformly held view that change would now occur and that significant improvement in the human rights situation in the Islamic Republic of Iran would follow. The new Government has made a number of policy statements that reflect a clear intention that this should happen.

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# I. INTRODUCTION

1. This interim report is the second substantive report the Special Representative has submitted to the General Assembly. During the interim the Islamic Republic of Iran has gone through turbulent times, which have had an impact on the human rights situation in the country. There has been some progress and some backsliding, but in most areas the pace of change for the better has been imperceptible, or at least so modest as to represent little substantive improvement.

2. In the present report, the Special Representative has highlighted developments in a number of sectors that he considers worthy of note. Some represent recent activity in sectors of long-standing concern. Others are being brought forward for the first time. There are certainly many areas in which change is required in order to meet existing international norms and, the Special Representative would argue, to respect the freedom and dignity of the Iranian people. He has highlighted freedom of expression and certain legal subjects, as well as several of the subjects he reports on regularly.

3. A major event in the Islamic Republic of Iran during the period under review was the presidential election, which is reported on in greater detail below. Here, the Special Representative wants to draw attention to the potential implications of the election results for human rights in the Islamic Republic of Iran. Turning first to the 4 August inauguration speech of President Khatami, it is noteworthy from a human rights perspective that he devoted considerable attention to opening up to the people the discourse about government policy:

> "The Government must promote the culture and capacity for participation, evaluation, critique and reform. It must itself be the model for tolerance and take the lead in empowerment for the people."

4. The President also referred to the need to prevent any violation of the integrity, dignity and constitutional rights and freedom of individuals.

5. In subsequent statements, particularly, those entitled "political development policies" of the executive branches, emphasis was again placed on respecting human dignity and integrity; ensuring civil rights and freedom; defending public trials and the right to a lawyer; fostering an independent mass media; and fostering the principles of pluralism and diversity. The major ministries issued "objectives, policies and programmes" papers. Those of the Ministry of the Interior, the Ministry of Culture and Islamic Guidance and the Ministry of Information (Intelligence) reiterated the spirit of the President's statements in greater detail as applicable to those ministries. The Minister of Culture was quoted by a foreign journalist as saying, "I disagree with almost all the present practices in the Culture Ministry. We have to provide an atmosphere of creativity, tranquillity and freedom."

6. It is not the Special Representative's role to critique government policy statements. Nevertheless, in these particular circumstances, he believes it important to highlight the declaration of the intentions of the new Government

in most if not all the areas captured in the concept of human rights. He will watch with great interest to see how those policy statements are implemented, with particular reference to their positive impact on the status of human rights in the Islamic Republic of Iran.

7. Finally, the Special Representative wishes to refer to the question of another visit to the Islamic Republic of Iran on his part. He has been in touch with the Iranian authorities about such a visit for some time. In late August he was informed that, owing to the change of Government, there had not yet been an opportunity to consider extending an invitation to him. The Special Representative is hopeful that he will be accorded full cooperation in that regard.

## II. THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES

8. On 9 April 1997 the Special Representative personally introduced his second report to the Commission on Human Rights (E/CN.4/1997/63). He returned to Geneva from 20 to 22 May and from 25 to 29 August 1997 in order to conduct a number of consultations, to participate in the fourth meeting of special rapporteurs, special representatives, experts and chairmen of working groups of the Commission on Human Rights, which took place from 21 to 23 May 1997, and to draft the present interim report to the General Assembly. En route from Geneva, the Special Representative made a stopover visit to London, a city with a major Iranian constituency, from 23 to 25 May 1997. While in Geneva, the Special Representative held consultations with representatives of the Government of the Islamic Republic of Iran, officials of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, officials of the Office of the United Nations High Commissioner for Refugees and representatives of several non-governmental organizations. He also received representations from interested persons concerning alleged human rights violations in the Islamic Republic of Iran.

9. In seeking to fulfil his mandate, the Special Representative has looked to many sources for information, including the Government of the Islamic Republic of Iran, other Governments, individuals, non-governmental organizations and the Iranian and international media. In Geneva, the Special Representative held interviews with representatives of several non-governmental organizations, among them Amnesty International, the Baha'i International Community, the Democratic Party of Iranian Kurdistan, the National Council of Resistance of Iran and the Organization for Defending Victims of Violence.

10. During the period mentioned above, the Special Representative also received written communications from the following non-governmental organizations: About Iran; Amnesty International; Article 19, International Centre against Censorship; Association of Iranian Political Prisoners in Exile; Association pour la défense des prisonniers politiques et d'opinion en Iran; Baha'i International Community; Comité iranien contre la répression et le terrorisme d'état; Committee for Defence of Liberty in Iran; Constitutionalist Movement of Iran; Cross-Connections International; Defenders of Islam in Iran; Democratic Party of Iranian Kurdistan; Democratic Union of Iranian Workers; Dra. Homa Darabi Foundation; Foundation for Democracy in Iran; Human Rights Watch/Middle

East; International PEN Writers in Prison Committee; Iranian People Fedaii Guerrillas; Ligue iranienne des droits de l'homme en exil; National Council of Resistance of Iran; Organisation for Defending Victims of Violence; Organization of Iranian People's Fedaian (Majority); Rainbow Anti-racist Organization; Supporters of the Iranian Muslim Nation; and World Organization against Torture.

## III. FREEDOM OF EXPRESSION

11. A healthy society is one in which there exists freedom of opinion and expression and a tolerance of open discussion and dissent. This freedom is articulated in article 19 of the Universal Declaration of Human Rights as well as in article 19 of the International Covenant on Civil and Political Rights. In effect, the vitality of the society and of the State is promoted through a right vested in individuals to dissent from government policy or popular opinion and to express that dissent openly.

12. In the Islamic Republic of Iran, as the Special Representative has noted before, there are "islands of liberty", one of which tolerates lively debate about many public issues, including the freedom of expression itself. Most recently, according to a foreign news service, there has been a lively debate on the role of the clergy in Government and the limitations on the authority of the President. There are, however, boundaries to free expression, sometimes explicit and sometimes implicit. In the view of the Special Representative, it can be fairly said that the rights of the press and the media in general, the film industry, authors, publishers and bookstores appear in practice to be significantly circumscribed. Various means of official and unofficial control exist. Among them are the press tribunal, restricted access to newsprint, need for approval of book and film manuscripts, various licensing systems and unofficial strong-arm enforcers of their own view of religion and morality.

13. It was less than two years ago that the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Abid Hussain, visited the Islamic Republic of Iran and prepared a report for the Commission on Human Rights (E/CN.4/1996/39/Add.2). The Special Representative has decided to revisit the subject at this time because of recent developments in the Islamic Republic of Iran. The report of Mr. Hussain is the starting point for this discussion, and the Special Representative would particularly call attention to section II, Concluding observations, and section III, Recommendations, of that report. The latter contains a significant list of changes that need to be made by the Government of the Islamic Republic of Iran in order to meet international norms and, in particular, nourish a culture of free expression. The Special Representative would also draw attention to the sections of his own earlier reports on freedom of expression, namely, section VI, Freedom of the media, in E/CN.4/1996/59, and section IV, Freedom of expression, in E/CN.4/1997/63. In appendix II to the present report, the Special Representative notes some of what he views to be indicative recent incidents in the Islamic Republic of Iran that make it clear that the need for change remains urgent.

14. Finally, the Special Representative would take particular note of the case of Faraj Sarkouhi, the chief editor of the monthly magazine Adineh. The early

stages of this matter were noted in the report of the Special Representative to the Commission on Human Rights (E/CN.4/1997/63, para. 45). In June, Mr. Sarkouhi was reportedly charged with spying for a foreign country and attempting to leave the country illegally. The Special Representative requested information and made representation to the Government of the Islamic Republic of Iran on two occasions (see appendix I). There were international calls that the trial be held in public, and a question arose as to his freedom to have counsel of his choice. In mid-September, it was reported that Mr. Sarkouhi had been tried and convicted in camera of carrying out propaganda against the Islamic Republic of Iran. The propaganda was apparently the widely published letter dated 3 January 1997, in which he described his initial arrest and his mistreatment while in detention. He was sentenced to one year in prison less time already spent in detention. His family's lawyer stated to a foreign wire service that she had never been permitted to meet with him in jail nor was she allowed to attend the closed trial.

## IV. LEGAL SUBJECTS

### A. Executions

15. The Special Representative had occasion to report to the Commission on Human Rights earlier this year that the number of executions in the Islamic Republic of Iran in 1996 had reportedly at least doubled over that of 1995 (E/CN.4/1997/63, para. 27). The Special Representative pointed out that his request for official statistics in that regard had gone unanswered.

16. The Special Representative has now been presented with external reports indicating that the number of publicly announced executions for the period from January to September 1997 reached 137, a rate of increase that if continued to the end of the year would likely constitute a further doubling. In addition, there continue to be troubling reports of disappearances and deaths under suspicious circumstances.

17. In August 1997 there was a report on Iranian radio stating that a new law would "increase the seriousness of [drug] trafficking tenfold" and give judicial authorities "a free hand" to deal with drug traffickers. Public hanging also appears to be on the increase.

18. The Special Representative wishes to draw attention to resolution 1997/12 adopted by the Commission on Human Rights on 3 April 1997. In the resolution, the Commission, inter alia:

- Urged all States maintaining the death penalty to comply fully with their obligations under the International Covenant on Civil and Political Rights, notably not to impose it for any but the most serious crimes;

- Called upon all States that still maintained the death penalty to observe safeguards guaranteeing the protection of the rights of those facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984;

- Called upon all States that had not yet abolished the death penalty progressively to restrict the number of offences for which the death penalty might be imposed;

- Called upon States that retained the death penalty to make available to the public information with regard to its imposition.

19. The Special Representative recalls the concerns about the use of the death penalty in the Islamic Republic of Iran that he recorded in his report to the Commission on Human Rights in February 1997 (E/CN.4/1997/63, paras. 28 and 29). Noting the apparent continuing sharp growth in the use of the death penalty, the Special Representative recommends that the Government, as a matter of urgency, undertake a programme to reverse this trend and, specifically, to comply with the four provisions of the resolution cited above.

20. Without in any way diminishing the worth of any person executed recently in the Islamic Republic of Iran, the Special Representative is compelled to single out the case of Mohammad Assadi for particular mention. Mr. Assadi, aged 68, was a lawyer in Tehran who had been in prison since 1993. He is reported to have been convicted of participating in a coup d'état plot in 1990 and having been a freemason and a member of the Lions Clubs International. He was condemned to death for those acts and executed on 9 August 1997.

21. The Special Representative made urgent representations about the Assadi case on 9 April 1997 seeking information, and on 20 May 1997 renewed a request for clemency (see appendix I). No answer was received to either representation. The Special Representative deplores the failure of the Government of the Islamic Republic of Iran to respond to his request for full details of the charges brought against Mr. Assadi and the conviction entered against him, and its refusal to grant clemency in a case that, according to the information available to the Special Representative, may have involved no serious criminal activity.

## B. Apostasy and conversion

22. Apostasy seems to be a term not in wide currency in the world today. Its definition in one English-language dictionary is "renunciation of a belief or faith, especially religious". It is unclear to the Special Representative how many countries regard apostasy as an offence. In the Islamic Republic of Iran it appears to be used currently in two situations, one to describe the conduct of the British writer Salman Rushdie and the other as an offence of which adherents of the Baha'i faith and sometimes Christian Protestants are from time to time charged and sometimes convicted. To the Special Representative's knowledge, there are currently three persons - all Baha'is - standing convicted of apostasy.

23. There would appear to be no provision in codified Iranian law making apostasy a crime. The Special Rapporteur on the question of religious intolerance was told in December 1995 that "under the Civil Code, conversion was not a crime and that no one had been punished for converting" (E/CN.4/1996/95/Add.2, para. 21).

24. That, however, is not the end of the matter. Article 167 of the Iranian Constitution authorizes judges, in the absence of applicable law, to apply "authoritative Islamic sources and authentic fatwa". The head of the Judiciary, Ayatollah Yazdi, has said this includes a treatise declaring that "a national apostate will be caused to repent and in case of refusing to repent will be executed". A "national apostate" has reportedly been defined as an infidel who embraces Islam as an adult and later returns to infidelity. It is thus clear that a convert to Islam who subsequently reconverts exposes himself to prosecution and death, even though apostasy is not a codified offence in the Islamic Republic of Iran.

25. In the case of Zabihullah Mahrami, the January 1996 judgement in his first trial by the Revolutionary Court in Yazd found that he was a Baha'i at the age of maturity, later accepted Islam for a period of seven years and subsequently returned to the Baha'i faith. The text of this judgement is available. On that basis he was found to be an apostate and was sentenced to death. On appeal, it was held that the Revolutionary Court lacked jurisdiction, and the matter was sent back to be retried. He was apparently convicted again and sentenced to death, although the conviction judgement is not available.

26. Another Baha'i, Musa Talibi, after several trials and appeals was sentenced in Isfahan, on 18 August 1996, to death for apostasy. It was reported in January 1997 that the Supreme Court of the Islamic Republic of Iran had confirmed both the Talibi and Mahrami death sentences. In February 1997, an external wire service reported from Tehran a statement by the head of the Revolutionary Court for the province of Tehran that the two men had been convicted of espionage and that he had denounced as false and fallacious reports that the men were convicted because of their religion. The Special Representative made urgent representations on behalf of both individuals on 3 February 1997 (see appendix I).

27. A third Baha'i, Ramazan-Ali Zulfaqari, had earlier been condemned to death for apostasy. He was reportedly later released from prison, but the apostasy charge may not have been resolved.

28. The Special Representative considers that the right to change one's religion is a clearly established international human rights norm, as articulated in the Universal Declaration of Human Rights (article 18), the International Covenant on Civil and Political Rights (article 18, para. 2), the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (article 1, para. 2) and in the general comments on this subject by the Human Rights Committee (General Comment 22 (forty-eighth session), para. 5, of 20 July 1993 (HRI/GEN/1/Rev.1)). In his 1996 report on the Islamic Republic of Iran (E/CN.4/1996/95/Add.2/para. 116), the Special Rapporteur on the question of religious intolerance concluded:

> "Likewise, with regard to proselytism, conversion and apostasy, the Special Rapporteur reaffirms the need to respect internationally recognized standards in the field of human rights, including freedom to change one's religion and freedom to manifest one's religion or belief, either individually or in community with others and in public or private, barring necessary restrictions provided for by law."

29. The Special Representative notes that in the past, senior officials of the Islamic Republic of Iran have attempted to distinguish between the act of private worship, which is permitted, and more public acts such as teaching, forming assemblies and working with the administration of the Baha'i community, which were forbidden on the grounds that those were hostile and conspiratorial acts that were criminal in nature. More recently, as the Special Representative has recorded, senior officials from time to time declare that no one is convicted in the Islamic Republic of Iran on the grounds of religion, and that Baha'ism is not a religion but "a web of espionage activities". In the view of the Special Representative, the publicly known facts in the Mahrami and Talibi cases do not bear out those assertions.

30. The Special Representative urges the Government of the Islamic Republic of Iran, in recognition of the international human rights norm referred to above, to recognize fully the rights of the individual as set out in articles 19, 20, 22 and 23 of the Constitution of the Islamic Republic of Iran, to set aside the convictions described above and to take appropriate steps to prevent future prosecutions for acts of religious conversion, whether or not they be categorized as apostasy.

### C. Torture or cruel, inhuman or degrading treatment or punishment

31. The Special Representative is deeply concerned at the continuing reports of the use of cruel, inhuman or degrading treatment or punishment in the Islamic Republic of Iran, conduct banned by the Universal Declaration of Human Rights (article 5), the International Covenant on Civil and Political Rights (article 7), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (article 16). This is an area that requires urgent reform in terms of both law and practice in order to meet international human rights norms. In the present report the Special Representative will address perhaps the most abhorrent of such practices, that of stoning.

32. The Special Representative notes that article 82 (b) of the Islamic Criminal Code provides that adultery by a married woman shall be punished by stoning to death. Information reaching the Special Representative suggests that stoning has been occurring from time to time since 1979. Four cases of such punishment in the past 18 months have come to the attention of the Special Representative:

- An Iranian magazine reported in its July 1996 edition that Shasin Soltan-Moradi and Mohammad-Ali Hemmati were stoned to death in June 1996 in Orumiyeh;

- An Iranian daily reported on 13 July 1997 that Changiz Rahimi, son of Jaafar, was sentenced to stoning for several offences, including adultery;

- An external media source reported on 20 April 1997 that a young woman in Sanandaj, Shahgol Zamani, had been stoned to death that week;

- An external wire service story from Tehran of 12 August 1997 recounted a story appearing in a Tehran newspaper about a 20-year-old woman in Boukan who had been sentenced to stoning for adultery. The sentence had been carried out, but the woman had apparently survived the ordeal.

33. It may be replied that stoning happens very rarely in the Islamic Republic of Iran and certainly not in the major cities. The Special Representative believes that for it to happen at all is unsustainable both legally and morally. The fact that it is provided for in the Islamic Criminal Code does not make it a "lawful sanction" but, in the view of the Special Representative, serves only to encourage recourse to such punishment. The Special Representative would note the most recent condemnation of cruel, inhuman or degrading punishment of the Commission on Human Rights, which is resolution 1997/38, adopted on 11 April 1997.

34. In the view of the Special Representative, there is no doubt that stoning is a cruel, inhuman or degrading punishment, as discussed in the international instruments mentioned above. The Special Representative urges the Government of the Islamic Republic of Iran to remove article 82 (b) from the Islamic Criminal Code and to undertake a policy of actively suppressing recourse to such conduct throughout the country.

## V. THE STATUS OF WOMEN

35. The Special Representative has noted in the past, as indeed has his predecessor, that the system of governance in place in the Islamic Republic of Iran, including both its laws and its policies, does not recognize the equality at law of men and women, and that it frequently tolerates discrimination against women by private groups. Moreover, some senior members of the governing circles continue to incite violence in support of discriminatory conduct against women.

36. The Special Representative has also noted that in 1997 there is evidence of a lively discourse under way in the Islamic Republic of Iran about the role of women in that society. He has also noted what he has chosen to characterize as "straws in the wind", which may suggest the prospect of change. While he continues to be optimistic in this regard, little has come to his attention since his report to the Human Rights Commission earlier this year (E/CN.4/1997/63) that would support the proposition that sustained progress is now under way. He notes, for example:

- The reports in the Iranian media in January 1997 that hospitals were to be segregated on the basis of gender;

- The long statement by the Head of Branch 43 of the Martyr Ghoddousi Judicial Affairs Centre, entitled "Citizens combat against offensive of the West from the viewpoint of the law", which appeared in the Iranian daily Re'salat in three parts in February and March 1997, and which, among other things, provided for imprisonment of up to 12 months, fines and flogging up to 74 lashes for some offences relating to the dress code;

- The announcement carried in a Tehran daily on 28 August 1997 of a new programme entitled, "Extension of the culture of chastity", which would impose stricter veiling requirements.

37. On the other hand, the new President of the Islamic Republic of Iran has appointed a woman as one of eight Vice-Presidents. Several others were reported to have been candidates for ministerial appointments. The Special Rapporteur has also noted that the discourse about the role of women continues. For example, a report was carried in a Tehran daily on 25 August 1997 of an interview with three women holding prominent positions who spoke of women being precluded from decision-making in areas affecting them, such as education and medicine, of women's condition as being deprived and oppressed and of the many obstacles and barriers blocking the advancement of women according to their competence. An article in a Tehran daily on 5 August 1997 reported the complaints of a number of married women concerning the unfair treatment they had received from judicial authorities in the context of matrimonial disputes.

38. The Special Representative urges the Government of the Islamic Republic of Iran to attach high priority to reforming the status of women, not only to bring itself into compliance with international human rights norms, but also out of respect for the dignity of the individual.

## VI. THE FATWA AGAINST SALMAN RUSHDIE

39. As provided in his mandate, the Special Representative has referred to the fatwa against Salman Rushdie in each of his previous reports to the General Assembly and to the Commission on Human Rights.

40. The Special Representative notes that in February 1997 an Iranian charitable foundation increased its reward to $2.5 million for the death of Mr. Rushdie. Further, the head of the foundation, who has personal links with the Government, was quoted in the Iranian press as saying that the reward was now available to non-Muslims. The Special Representative would also note that the efforts by certain Governments over recent years to reach an accommodation with the Government of the Islamic Republic of Iran on this matter have been unsuccessful.

41. The Special Representative would once again record his own condemnation of the threat upon the life of Mr. Rushdie and state that he shares the view of those who judge the offered reward to be an incitement to murder. The Special Representative does not accept the view that in circumstances such as these, the Government can disassociate itself from the decisions of an organization such as the foundation concerned on the grounds that it is, formally at least, a non-governmental entity.

42. The Special Representative urges the Government of the Islamic Republic of Iran to attach a high priority to this issue and to approach its settlement in a fresh and positive manner.

## VII. THE SITUATION OF THE BAHA'IS

43. The Special Representative has continued to receive reports of cases in which the human rights of Baha'is have been breached and of situations of discrimination and even of persecution against the members of this religious community, including extrajudicial executions, arbitrary detentions, refusal of entry to universities, confiscation of property and dismissal from employment.

44. According to the information received by the Special Representative (see appendix III), two Baha'is were killed in July 1997, and those responsible for the deaths were enjoying impunity. Twelve Baha'is continue to be held in Iranian prisons. In January 1997 the Supreme Court confirmed the death sentences imposed for apostasy against two Baha'is, Mr. Talibi and Mr. Mahrami, and another Baha'i has been charged with the same offence (see paras. 25-27 above). Being active in the Baha'i community and gathering for Baha'i meetings are in practice considered offences. Short-term detention of Baha'is, disregard of their private ownership of property, eviction from and confiscation of their houses and destruction of their holy places continue to be reported.

45. In his previous reports the Special Representative has made reference to the complaints received regarding the denial of employment, pensions and other benefits, access to higher education and civil rights and liberties. The Special Representative reiterates his opinion that the implementation of the recommendations contained in the report submitted to the Commission on Human Rights at its fifty-second session by the Special Rapporteur on the question of religious intolerance on his visit to the Islamic Republic of Iran (E/CN.4/1996/95/Add.2) would constitute an important first step in the improvement of the situation of Iranian Baha'is.

46. Specifically, the recommendations concerned:

(a) The urgent revision of the death sentences passed on Baha'is and the promulgation of amnesties or other appropriate measures to prevent the enforcement of the penalties imposed;

(b) The lifting of the ban on the Baha'i organization to enable it to organize itself freely through its administrative institutions;

(c) The end to discrimination in access to higher education or to employment in the Administration;

(d) The return of confiscated personal and community property;

(e) The reconstruction of the places of worship destroyed, or at least, the establishment of compensatory measures in favour of the Baha'i community;

(f) The lifting of restrictions regarding the burial and honouring of the dead;

(g) The elimination from passport application forms of the question on religion in order to guarantee the freedom of movement.

47. The Special Representative recommends that the Government of the Islamic Republic of Iran, as a matter of priority, proceed to implement the recommendations of the Special Rapporteur summarized above.

## VIII. OTHER IMPORTANT MATTERS

### A. The Islamic Human Rights Commission

48. The Special Representative has reported on the establishment of the Islamic Human Rights Commission by the Government of the Islamic Republic of Iran and has referred to its reports about its activities. The Special Representative had a meeting in Geneva in April 1997 with a group of senior Iranian personages, including several who were members of the Commission. He followed up this meeting with a letter to the Executive Secretary of the Commission. In subsequent communications to the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva, the Special Representative requested more specific information about the work of the Commission and particularly its achievements in terms of successful interventions in response to allegations of human rights violations. The Special Representative has not received direct replies to those requests, but has received copies of several recent publications of the Islamic Human Rights Commission.

49. One of the publications, Appeals (No. 21, February 1997) sets out in some 20 pages a selection of seven allegations of violations in countries around the world other than the Islamic Republic of Iran that have been brought to the attention of the Commission. Another publication, A Brief on the One-Year Operation of the Islamic Human Rights Commission, January 1996-January 1997, contains a section on the Commission's human rights activities in the Islamic Republic of Iran. In addition to noting certain structural changes within the Commission, the report set out certain statistics, including the following:

- Complaints received: 1,300
- Complaints found to have no probative value: 7 per cent
- Complaints found after investigation to have no merit: 14 per cent
- Complaints that "required legal advice and necessary guidance": 42 per cent

50. The Report goes on to say:

> "In order to persuade the courts to have due cooperation with the Commission and to send reports requested, several meetings have been held with the respective judicial authorities ... It may be noted that in most cases the Commission received good cooperation of the courts ..."

51. The Report further notes that the Commission:

> "has had periodic and regular visits to prisons, judicial centres, executive centres and the police, and has effectively conducted investigations whenever required into an individual complaint".

52. The Special Representative would note that the President and several members of the Islamic Human Rights Commission itself and its subcommittees are current or former senior figures or officials in the Government. Whether the Commission has significant freedom of action remains to be seen. In that regard, the Special Representative recommends that the Commission move quickly to begin publishing a detailed description of the types of complaints it is receiving, of the interventions it is making and of the success it is having in reversing the conduct that gives rise to the complaints.

53. The Special Representative notes the recent statement of the Commission Secretary that the Commission will act as a bridge between the people and the Government to realize the objectives of the new President of the Islamic Republic of Iran. The Special Representative will follow with great interest the progress being made in that regard.

## B. Violence outside the Islamic Republic of Iran

54. In his interim report to the General Assembly at its fifty-first session (A/51/479 and Add.1) and in his report to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/63), the Special Representative noted a number of incidents of extraterritorial violence against Iranians. Although the Government of the Islamic Republic of Iran frequently denied involvement in any of those incidents, in some of the resulting legal proceedings in foreign courts a strong connection to that Government was asserted.

55. According to Press Release No. 38/97 issued by the Department of Justice of the State of Berlin on 10 April 1997, a Berlin court found four persons guilty of the assassination on 17 September 1992 of a group of four leaders of the Democratic Party of Kurdistan-Iran, headed by Sadegh Sharafkandi, in Berlin's Mykonos restaurant. The two main suspects in the case, Kazem Darabi, a 38-year-old who claimed to be an Iranian agent and a former member of the Pasdaran, and Abbas Rhayel, a Lebanese member of Hezbollah, were sentenced to life imprisonment. Another two Lebanese nationals received sentences for complicity of 11 years and of 5 years and 3 months, respectively. A fifth suspect was cleared. According to the press release, the court's oral findings also included the following statement: "The evidence has revealed the decision-making procedures within the Iranian leadership which in the final analysis have led to the liquidation of opposition politicians abroad". According to German wire reports, an arrest warrant was issued for Ali Fallahian, the former Information (Intelligence) Minister, for having played a supervisory role in the attack.

56. The Government of the Islamic Republic of Iran rejected the ruling as unjust, biased and influenced by a propaganda campaign against the country. It

stated that the killings were the result of in-fighting within the Kurdish opposition.

57. The Special Representative was provided with a copy of the verdict issued on 24 January 1997 by the seventh Criminal Court of Istanbul, Turkey, headed by Judge Iyhan Onal, condemning Reza Barzegar Massoumi, an Iranian citizen born in Orumiyeh, to 32 years and 6 months of imprisonment with hard labour for his participation in the premeditated murder of Zahra Rajabi (also known as Maryam Javedan Jokar) and Ali Panah Moradi, two members of the People's Mojahedin Organization of Iran. Mr. Massoumi was found guilty of using his acquaintance with the victims to open the door of their apartment to the murderers. According to the verdict, the accused stated in his confession that he had acted under instruction of the Iranian intelligence service, specifically of the agents Sa'eed Choobtrash (Asghar), Rahim Afshar (Rassoul), Haj Ghassem (Zargar-Panah) and Jalal (Mohsen Kargar-Azad), who planned and committed the murders carried out on 20 February 1996 in the Fateh suburb of Istanbul.

58. The Special Representative was also informed of several attacks against Iranian Kurdish refugees in the Iraqi province of Suleimania, particularly against members of the Democratic Party of Iranian Kurdistan, allegedly committed by persons working for the Iranian Government. Such attacks reportedly took place in early April 1997, 24 June 1997 and 14 and 19 August 1997 and resulted in 85 victims, including both dead and wounded. On 14 August 1997, Qaleb Alizadeh and Anjad Mowlaii, two members of the Democratic Party of Iranian Kurdistan, were murdered in the centre of Suleimania. A resident of the city was also killed in the attack, and four other residents were wounded. On 19 August 1997, Saeed Moradi, Ali Zokaleh and Isma'il Namaki were killed during the armed attack against the bus in which they were travelling towards Suleimania. Nine other members of the Democratic Party of Iranian Kurdistan were wounded. Agents of the Islamic Republic of Iran were alleged to be responsible for both attacks.

59. According to foreign wire reports, a Bangkok criminal court had convicted Hossein Dastgiri, an Iranian citizen, of murder and of conspiring to set off a bomb at the Israeli embassy in Bangkok in 1994, and had sentenced him to life imprisonment. The Special Representative was informed that the Islamic Human Rights Commission was seeking to improve his conditions of detention.

60. To the Special Representative's knowledge, the Berlin verdict is the first occasion in which a foreign court has clearly attributed responsibility for the assassination of Iranian opposition figures abroad. The Special Representative cannot ignore the finding that persons in the employ of the Government of the Islamic Republic of Iran, including in one case very senior members of the Government, were directly or indirectly involved and were found to be responsible for those acts. While noting the denials of the Government of the Islamic Republic of Iran, the Special Representative is bound to view the court decision as a finding of substantial credibility. He condemns such acts and calls upon the Government to denounce such violence and to forswear direct or indirect involvement in it.

### C. The situation of certain religious minorities

61. In previous reports, the Special Representative has referred to the condition of religious minorities in the Islamic Republic of Iran. In the present report, the Special Representative wishes to refer specifically to the Sunnis, of which there are an estimated 12 to 15 million in the Islamic Republic of Iran. Many of the ethnic minority groups in the Islamic Republic of Iran are in whole or in part Sunni Muslims. The great majority of Iranian Kurds, Baluchis and Turkmens are Sunnis. In general, the Sunnis inhabit the areas closer to the borders of the Islamic Republic of Iran, although there are reportedly close to 1 million Sunnis in Tehran.

62. Sunni activists state that they, along with other religious minorities, are denied by law or practice access to such government positions as cabinet minister, ambassador, provincial governor, mayor and the like. They allege the destruction of Sunni schools and mosques and the imprisonment, execution and assassination of Sunni leaders. There are, in addition, other specific allegations.

63. While some of this information may be difficult to corroborate, the Special Representative is left with the clear impression that the right of freedom of religion is not being respected with regard to the Sunni minority. In the coming months, the Special Representative will be pursuing enquiries with the Government about the allegations and looks forward to its cooperation in that regard.

### D. Democracy

64. Presidential elections were held in the Islamic Republic of Iran on 23 May 1997. A total of 238 individuals had applied for permission to run in the election, including 9 women; 4 were ultimately approved by the Guardian Council. Iranian and foreign press reports seem to have uniformly characterized the debate in the final weeks as open and lively. Many described the election as offering a real choice. The winner, Mohammad Khatami, was reported to have received some 21 million of the 31 million votes cast. There were apparently no significant complaints of election irregularities, nor was there any annulment of election results as there had been after the 1995 Majiles elections.

## IX. CORRESPONDENCE WITH THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

65. The correspondence between the Special Representative and the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva during the period from February to August 1997 is set out in appendix I to the present report. It consists in part of requests for information on individual cases. Also during the period, the Special Representative sent to the Government of the Islamic Republic of Iran either in his own name or jointly with special rapporteurs, a number of urgent communications referring to individual cases. The Special Representative appealed to the Iranian Government to ensure that those affected benefited fully from all the internationally

recognized safeguards, particularly those provided for in the International Covenant on Civil and Political Rights. In some cases other international instruments were involved, including the safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the Economic and Social Council in its resolution 1984/50 of 25 May 1984, the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), adopted by the Assembly in its resolution 40/33 of 29 November 1985.

66. The Special Representative is concerned at the low rate of response by the Government of the Islamic Republic of Iran and in some cases at the unhelpful answers. He plans to discuss the problem with the Iranian authorities in the context of improving cooperation.

## X. CONCLUSIONS

67. In the present and previous reports to the General Assembly and to the Commission on Human Rights, the Special Representative has attempted to identify at least some of the areas in which improvement was being made or at least to note the existence of 'straws in the wind' suggesting that improvement could be on the way. He has also attempted to identify some of the areas in which any sign of improvement was hard to discern; indeed, backsliding seemed to be an accurate description. He has in the present report noted a number of the areas falling into the latter category, in each of which he has made recommendations.

68. Perhaps the most significant development of the period under review was the election of the new President and the very real prospect that the Islamic Republic of Iran is now in a position to move forward in matters concerning the freedom and dignity of its citizens. The areas highlighted in the report would be an excellent agenda for change - change which is long overdue. The Special Representative is all too aware, however, that the constraints of power often temper if not defeat the promises of an election. In the case of the Islamic Republic of Iran, the people do not deserve to wait any longer. The Special Representative will watch developments with great interest.

APPENDIX I

Correspondence between the Government of the Islamic Republic of Iran and the Special Representative

1. On 24 January 1997 the Special Representative and the Special Rapporteur on torture transmitted to the Minister for Foreign Affairs of the Islamic Republic of Iran a joint urgent appeal requesting that the right to physical and mental integrity of Hojjatoleslam val Muslimin Sheikh Mohammad Amin Ghafoori, his wife and Hojjatoleslam val Muslimin Sayed Hossein Fali be protected. Both men were said to be followers of the Grand Ayatollah Shirazi and were arrested on 14 January 1997 in Qom. There has been no reply.

2. On 3 February 1997 the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative sent to the Minister for Foreign Affairs of the Islamic Republic of Iran a joint urgent appeal on behalf of Zabihullah Mahrami and Musa Talibi, who were sentenced to death reportedly on the basis of their religious beliefs, particularly because of their adherence to the Baha'i faith. There has been no reply. In late January 1997 reports were received that the Supreme Court of the Islamic Republic of Iran had confirmed their death sentences on charges of apostasy.

3. The Special Representative sent to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, on 11 February 1997, a letter requesting information on the situation of Faraj Sarkouhi, editor of Adineh, a literary magazine, and his brother Ismail, who were arrested on 27 January 1997 in Tehran. It was alleged that their arrests were in connection with a letter from Faraj Sarkouhi dated 3 January 1997 denouncing his mistreatment during an earlier detention and with their signatures on an open letter of 1994 addressed to the President of the Republic calling for greater freedom of expression. On 7 March 1997, the Permanent Representative replied to the letter of the Special Representative giving information provided by the relevant authorities in Tehran (the text of the letter is provided in appendix IV). On 2 July 1997 the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on the promotion and protection of the right to freedom of opinion and expression and on the independence of judges and lawyers, along with the Special Representative, sent a joint urgent appeal to the Minister for Foreign Affairs of the Islamic Republic of Iran requesting a clarification of the circumstances of the arrest and detention of Mr. Sarkouhi and for an assurance that his rights would be guaranteed. On 16 July 1997 the Government replied with information that Mr. Sarkouhi had been arrested on 2 February 1997 on charges of espionage and attempting to leave the country illegally, that he had neither been tried nor convicted and that he enjoyed and will enjoy all legal rights in conformity with due process of law, including the right to a fair trial and to a defence lawyer (the text of the letter is provided in appendix IV).

4. On 20 February 1997 the Special Representative sent to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva a letter requesting information on the arrest in March and April 1996 of

32 women in the eastern and western provinces of Azerbaijan who were said to remain in detention without being charged or tried. There has been no reply.

5. On 25 February 1997 the Special Representative sent a new letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva appealing to the Government to ensure that the right to physical and mental integrity of 13 persons arrested in mid-November 1996 in eastern and western Azerbaijan would be protected. Those arrested were said to be sympathetic to the Azeri nationalist cause. There has been no reply.

6. The Special Representative sent to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva a letter dated 12 March 1997 requesting information on the situation of Abbas Nava'i-Roshandel, the place of his detention and the basis for his arrest. By a letter dated 20 June 1997, the Permanent Representative advised that the Iranian police had not found any record of his arrest or detention (the text of the letter is provided in appendix IV).

7. On 9 April 1997 the Special Representative sent a letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva appealing to the Government to consider, in the event that all legal remedies had been fully exhausted, granting clemency to Mohammad Assadi, a lawyer at the Tehran bar, aged 68, sentenced to death on charges that appeared to be political. The Special Representative also requested information as to the wording of and the exact charges brought against Mr. Assadi and the conviction entered against him. By a letter dated 20 May 1997, the Special Representative reiterated his appeal to the Iranian Government to consider urgently granting clemency to this person and to investigate allegations that Mr. Assadi had not received any medical treatment during his detention and that his trial had been unfair. No response was received.

8. On 9 April 1997 the Special Representative requested to be informed of the results of the investigation into the death of Ebrahim Zalzadeh, a writer and journalist, aged 49, whose corpse was found on 29 March 1997 with multiple stab wounds to the chest. Mr. Zalzadeh was the editor of the monthly magazine Me'yar and the director of the publishing house Ebtekar. By a letter dated 14 August 1997, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva informed the Special Representative that the case was under investigation by the police and the judiciary, and that Mr. Zalzadeh's death had been caused by a sharp-pointed object pierced into his heart (the text of the letter is provided in appendix IV).

9. The Special Representative sent a letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva on 16 April 1997 requesting information regarding an incident of poisoning of 60 Iranian Kurdish refugees in the Bazian camp in Iraq, allegedly committed by Iranian agents. By a letter dated 5 June 1997, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva stated that his Government categorically rejected such allegations, adding that since the alleged incident had occurred in the territory of Iraq, it was impossible to acquire any information (the text of the letter is provided in appendix IV).

10. The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative sent, on 14 July 1997, a joint urgent appeal to the Iranian Minister for Foreign Affairs requesting the Government to ensure the right to life and physical integrity of Hossein Dowlatkhah, a 58-year-old businessman sentenced to death by a Revolutionary Court in Tehran on charges of swindling investors, corruption and embezzlement, and to flogging for organizing "lavish parties" with drugs. His appeal to the Supreme Court had been rejected. There has been no reply.

APPENDIX II

A selection of recent reports illustrating constraints against freedom of expression in the Islamic Republic of Iran

1. In January 1996 Abbas Maroufi, the editor of the magazine Gardoon, was sentenced to 35 lashes and 6 months' imprisonment after being convicted of publishing lies, of insulting the leader of the Islamic Republic of Iran and of publishing poems deemed immoral. Mr. Maroufi subsequently left the Islamic Republic of Iran, apparently without the sentence being implemented.

2. In March 1996 the newspaper Salam was reported by the Islamic Republic News Agency to have been banned for two days because of a story it had published about a member of the leader's office having taken part in the Guardian Council's session on evaluating eligibility of the candidates.

3. In May 1996 a Farsi-language newspaper in London published an interview with the screenwriter Bahram Beizaie in which he talked of the difficulty in getting approval for his scripts. While in the past scripts had been rejected or approved, the response now was more often no response, or requests for "small changes", such as changing a leading role from a female to a male part. Mr. Beizaie said that in some cases he had been obliged to deny that a script was his work so that a film could be made and others could be employed. Mr. Beizaie suggested that for every 60 films made in the Islamic Republic of Iran each year, there were at least 60 prevented from being made.

4. In June 1996 a novelist, Houshang Gholshiri, said in an interview with a German newspaper that "we writers today live in fear and terror". He referred to the attack on the Morgh-e-Amin bookstore in August 1995 and the suspicious death of Ahmad Miralaiee.

5. In August 1996 the editor Abbas Maroufi described in a foreign publication the pressure that writers and editors were placed under. He described his own experience with a press jury. He noted that no private claimant had accused him of a private crime but he found himself facing private complaints of his having committed public crimes. He noted that of the some 600 journals printed in the Islamic Republic of Iran, fewer than 10 could be considered to provide independent coverage of cultural, social and political issues.

6. In November 1996 Salam reported that screening permits had been cancelled for two films by Mohsen Makhmalbaf, Gabbeh and Bread and Flower Pots (the latter released in English under the title Moment of Innocence). The films were said to have previously received all necessary licenses but then to have become "captive to factional dogmas".

7. In November 1996 a Farsi-language newspaper in London reported that Ali Larijani, head of the radio and television authority, had defended the television programme "Hoviyat", which had been heavily criticized for its harsh attacks on Iranian intellectuals. Mr. Larijani was quoted as saying, "should we in the Islamic Republic sit quietly for you to write whatever you want to? Are these so-called science, wisdom and freedom and scientific discussion? These

are insults to the whole system. Therefore the main argument is ... on destruction, destruction of the Islamic Republic and the Islamic State".

8. In December 1996 an exiled writers' association announced the arrest of Mehdi Parham, a well-known writer and translator, and the disappearance of Mohammed Hossein Tahmasbpour, a well-known Azeri-language poet.

9. In January 1997 a foreign media source reported that the Association of Iranian Writers in Exile had announced the arrest in December 1996 in Mashad of the writer and researcher Kalimallah Tavahhadi, who was working on a series of volumes on the Kurds.

10. In March 1997 a foreign radio source reported that a cultural quarterly, Zendeh Roud, was suspended without explanation.

11. In April 1997 a foreign wire service reported from Tehran that the body had been found of Abraham Zal Zadeli, the editor of the literary monthly Me'yar, who had been arrested by security agents the previous month.

12. In April 1997 Salam reported that magazine editor Mohammad Sadeq Javadi Hessar had been banned from all journalistic work for 10 years after being convicted of causing public confusion and provoking antagonism between universities and seminaries. The conviction was to be appealed.

13. In May 1997 the Kayhan daily reported that Aftabgardan, a children's magazine, had been fined and banned under articles 22 and 514 of the Islamic Criminal Code for an article critical of television coverage of the presidential election campaign.

14. In June 1997 a foreign news service published an account by Houshang Gholshiri of the humiliating conditions under which the signatories of the 1994 petition of 134 writers had been interrogated by Iranian security officials.

15. In July 1997 the Iran daily reported that the press court had found the publisher of the monthly Sobh guilty of insulting the Minister of Posts and Telegraphs and had imposed a fine and a one-month suspension.

16. In August 1997 a foreign wire service in Tehran reported new rules promulgated by the Ministry of Culture and Islamic Guidance requiring that Iranian producers intending to sell international screening rights to foreign distributors submit their contracts for ministerial approval.

17. In August 1997 a foreign radio service reported that Mr. Gholshiri had been prevented from leaving for Germany to meet with his publishers and translators.

18. In August 1997 the Tehran offices of the monthly Iran-e Farda were reported to have been attacked by unidentified individuals. The deputy Minister for Culture and Islamic Guidance condemned the attack.

## APPENDIX III

### Information on the situation of the Baha'is

1. The Special Representative was informed that two Baha'is were killed in July 1997. Masha'llah Enayait, a 63-year-old Iranian Baha'i, died on 4 July 1997 after being severely beaten while in custody in prison in Isfahan. He was arrested under circumstances that are not clear during a visit to his native village of Ardistan to attend a Baha'i meeting. It was reported that on his death certificate, under the item "cause of death", the doctor had entered "will be known later". Another Baha'i, Shahram Reza'i, a conscript in the army, was shot in the head on 6 July 1997 by his superior officer on a military base close to Rasht. The officer concerned, who reportedly was responsible for weapons training, maintained that the bullets were fired in error and was released after a few days. It was said that because the dead soldier was a Baha'i, the court excused the officer from paying the blood money normally required in such cases.

2. The Special Representative was informed that 12 Baha'is continued to be held in Iranian prisons allegedly because of their beliefs, among them Bihnam Mithaqi and Kayvan Khalajabadi, who were visited by the Special Representative in Evin prison in February 1996. The Special Representative was informed that after his visit the Supreme Court confirmed the death sentences against them. They are reported to have written to the public prosecutor asking for the verdict to be rescinded.

3. The death sentences imposed for apostasy against Musa Talibi and Zabihullah Mahrami were also confirmed by the Supreme Court in January 1997, according to the information conveyed orally to their relatives during prison visits. The Special Representative, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, has sent a joint urgent appeal to the Government of the Islamic Republic of Iran concerning those cases.

4. Arman Damishqi and Kurush Dhabihi, arrested for misconduct in early 1996, were reportedly told that they must recant their faith in order to be freed. They refused to recant and were sentenced to eight years' imprisonment. It was further stated that Muslims who were arrested along with them for the same offence were later released.

5. The Special Representative was informed that two Baha'is who were serving a three-year sentence, Mansur Haddadam and Kamyar Ruhi, had been convicted of being active in the Baha'i community, of gathering for Baha'i meetings in a private house and of working against the security of the country by organizing a Baha'i children's art exhibition.

6. Other Baha'is who are being held in Iranian prisons are Jamal Hajipur and Mansur Mihrabkhani, arrested on 19 May 1997 in Bujnurd, Nasir Iqani, arrested in August 1997 in Simnan, and Hushang Mazlumian, arrested in August 1997 in Aliabad Gorgan.

7. The practices of arresting Baha'is and detaining them for short periods and of summoning Baha'is to Ministry of Intelligence agencies on various pretexts were also denounced. It was said that during the past three years, nearly 200 Baha'is were arrested and detained for periods ranging from two days to six months.

8. The Special Representative was informed that a Baha'i holy place in Orumiyeh was demolished in December 1996 in order to construct a new building. This property belonged to a Baha'i organization, all of whose properties had been confiscated. It was in the possession of the Revolutionary Guards.

9. The Special Representative was also informed that the private ownership of property by Baha'is continued to be generally disregarded. It denounced the recent attack on two houses owned by Baha'is, who were evicted and had their furniture and belongings put out on the street. Actions to confiscate the property of 10 other families were also reported. In addition, it was alleged that the majority of Baha'is in the city of Yazd were prohibited from conducting any business transactions.

APPENDIX IV

Letters received from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva

1. Pursuant to several requests for information from the Special Representative concerning individual cases, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva sent the following letters to the Special Representative.

2. On 27 February 1997, the Permanent Representative sent a letter to the Special Representative that read as follows:

"The Leader of the Islamic Revolution, Ayatollah Seyed Ali Khamenei, on the occasion of the Eid Al-Fitr and the anniversary of the Islamic Revolution, pardoned 782 prisoners, sentenced by the public, revolutionary and military courts ..."

3. In response to a letter from the Special Representative dated 11 February 1997 concerning the arrest of Faraj Sarkouhi, the Permanent Representative, by a letter dated 7 March 1997, informed the Special Representative of the following:

"Mr. Faraj Sarkouhi, accompanied by his brother Ismail, was arrested on 2 February 1997 while attempting to leave the country illegally.

"Mr. Ismail Sarkouhi was released immediately.

"Mr. Faraj Sarkouhi had been encouraged by foreign agents to write the letter which he sent abroad. The letter's contents are groundless.

"At present, the investigation is going on and he is in a detention house with all convenient means of life at his disposal.

"In detention, he has called his wife and children who live in Germany and his other relatives in Shiraz.

"Soon, a court will examine publicly his charges."

4. By a letter dated 16 July 1997, the Permanent Representative replied to a joint urgent appeal of the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on the promotion and protection of the right to freedom of opinion and expression and on the independence of judges and lawyers and of the Special Representative, dated 2 July 1997, concerning Mr. Sarkouhi, as follows:

"With reference to your joint appeal dated 2 July 1997, I would like to draw your attention to the following information received from the authorities in Tehran:

(a) As he had stated in an interview, Mr. Faraj Sarkouhi left Tehran for Germany in November 1996. Therefore, any allegations about his detention in this period is baseless;

(b) He had been arrested on 2 February 1997 on charges of espionage and attempting to leave the country illegally;

(c) He has been neither tried nor convicted. Therefore, any allegation in this respect is categorically denied;

(d) He enjoys and will enjoy all legal rights in conformity with the due process of law, including the right to a fair trial and the right to a defence lawyer."

5. On 5 June 1997, the Permanent Representative replied to a letter from the Special Representative dated 16 April 1997 concerning the alleged poisoning with thallium of 60 Iranian Kurdish refugees in the Bazian camp in Iraq, reportedly carried out by Iranian agents. The letter read as follows:

"With reference to your letter dated 16 April 1997, I would like to provide you with the following communication received from the relevant authorities in Tehran:

'The Government of the Islamic Republic of Iran categorically rejects such allegations. Since the alleged incident has occurred in the territory of Iraq, it was impossible to acquire any information.'"

6. The Permanent Representative, by means of a letter dated 20 June 1997, replied to a letter from the Special Representative dated 12 March 1997 concerning the unrecognized arrest of Abbas Nava'i-Roshandel. The letter read as follows:

"Referring to your letter dated 12 March 1997, I would like to provide you with the following information received from the relevant authorities from Tehran:

'The Police in their investigations have not found any record on the arrest or detention of Abbas Nava'i-Roshandel. However, provision of further information such as his father's name and date and place of detention would facilitate the investigation.'"

7. In response to a letter from the Special Representative dated 9 April 1997 concerning the death under suspicious circumstances of Ebrahim Zalzadeh, the Permanent Representative, by a letter dated 14 August 1997, informed the Special Representative of the following:

"With reference to your letter dated 9 April 1997, I would like to draw your attention to the following information received from the relevant authorities:

'Death Certificate No. 10/5/1262, dated 14/02/79 (4 May 1997) issued by the Forensic Department states that a sharp-pointed object has pierced Mr. Ebrahim Zalzadeh's heart and has caused his death. The case is under investigation by the Police and the Judiciary.'"

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